

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

Debtor.

BANKRUPTCY NO.

Moving Party

RS NO.

Respondent(s)

MOTION FOR RELIEF FROM AUTOMATIC STAY

 REAL PROPERTY PERSONAL PROPERTY

Movant in the above-captioned matter moves this Court for an Order granting relief from the automatic stay on the grounds set forth below.

1. A Petition under Chapter 7 11 12 13 was filed on _____.
2. Procedural Status:
 - a. Name of Trustee Appointed (*if any*): _____
 - b. Name of Attorney of Record for Trustee (*if any*): _____
 - c. (*Optional*) Prior Filing Information:
Debtor has previously filed a Bankruptcy Petition on: _____.
If applicable, the prior case was dismissed on: _____.
 - d. (*If Chapter 13 case*): Chapter 13 Plan was confirmed on _____ or a confirmation hearing is set for _____.

Movant alleges the following in support of its Motion:

1. The following real property is the subject of this Motion:
 - a. Street address of the property including county and state: _____
 - b. Type of real property (e.g., single family residence, apartment building, commercial, industrial, condominium, unimproved): _____
 - c. Legal description of property is attached as Exhibit A.

- d. If a chapter 11 or 13 case and if non-payment of any post-petition payment is a ground for relief, attach the accounting required by Local Bankruptcy Rule 4001-2(a)(4) as Exhibit B.
- e. *Fair market value of property as set forth in the Debtor's schedules: \$_____.
- f. *Nature of Debtor's interest in the property:

2. The following personal property is the subject of this Motion (*describe property*):

- a. Fair market value of property as set forth in the Debtor's schedules: \$_____.
- b. Nature of Debtor's interest in the property:

3. *Fair market value of property according to Movant: \$_____.

4. *Nature of Movant's interest in the property:

5. *Status of Movant's loan:

- a. Balance owing
- b. Amount of monthly payment: \$_____
- c. Date of last payment: _____
- d. If real property,
 - i. Date of default: _____
 - ii. Notice of Default recorded on: _____
 - iii. Notice of Sale published on: _____
 - iv. Foreclosure sale currently scheduled for: _____
- e. If personal property,
 - i. Pre-petition default: \$_____ No. of months: _____
 - ii. Post-petition default: \$_____ No. of months: _____

6. (*If Chapter 13 Case, state the following:*)

- a. Date of post-petition default: _____
- b. Amount of post-petition default: \$_____

7. Encumbrances:

- a. Voluntary encumbrances on the property listed in the Schedules or otherwise known to Movant:

Lender Name	Principal Balance	(IF KNOWN) Pre-Petition Arrearages		Post-Petition Arrearages	
		Total Amount - # of Months		Total Amount - # of Months	
1st:					
2nd:					
3rd:					
4th:					
Totals for all Liens:	\$	\$		\$	

- b. Involuntary encumbrances of record (e.g., tax, mechanic's, judgment and other liens, lis pendens) as listed in schedules or otherwise known to Movant:
 See attached page, if necessary.

8. Relief from the automatic stay should be granted because:

- a. Movant's interest in the property described above is not adequately protected.
- b. Debtor has no equity in the real property personal property described above and such property is not necessary to an effective reorganization.
- c. The property is "single asset real estate", as defined in 11 U.S.C. § 101(51B), and 90 days (or _____ days as ordered by this court) have passed since entry of the order for relief in this case, and
 - i. the Debtor/Trustee has not filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; and
 - ii. the Debtor/Trustee has
 - (1) not commenced monthly payments to each creditor whose claim is secured by the property (other than a claim secured by a judgment lien or by an unmatured statutory lien), or
 - (2) commenced payments, but such payments are less than an amount equal to interest at a current fair market rate on the value of each creditors' interest in the property.
- d. *Other cause exists as follows (specify): See attached page.

When required, Movant has filed separate Declarations pursuant to Local Bankruptcy Rule 4001-2(a)(5) and (6).

Movant attaches the following:

1. Other relevant evidence:
2. (Optional) Memorandum of points and authorities upon which the moving party will rely.

WHEREFORE, Movant prays that this Court issue an Order granting the following:

Relief as requested.
 Other:

Dated:

[Attorney for] Movant